

REMARKS

To avoid the necessity of an Appeal, Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. By this amendment, claims 1, 24-32, 39, 44, 45, 47, 49-51, 72, 73 and 84 have been amended and claims 13, 14, 23, 43 and 85 have been canceled. Following entry of this amendment, claims 1-12, 15-22, 24-42, 44-84 and 86-89 will be pending in the application.

In the Drawings

Per the Examiner's request, attached to this Amendment and Response are three sheets of formal drawings properly labeled "Replacement Sheet" for examination. Applicants respectfully request entry of the replacement drawing sheets and withdrawal of any drawing objections.

Allowable Subject Matter

In the Office Action, the Examiner allowed claims 62-71 and 78-80. Further, the Examiner noted the allowability of the subject matter contained in claims 2-4, 13-38, 43-56, 74, 75, 77, 81, 83 and 85, if these claims were rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicants thank the Examiner for noting the allowability of the subject matter contained in these claims.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 5-12, 39-42, 57-61, 72, 73, 76, 82, 84 and 86-89 under 35 U.S.C. 102(a) as allegedly being anticipated by Applicants' admitted prior art (APA). Notwithstanding Applicants' firm believe that the rejected claims are patentably distinct from the APA, Applicants have amended the independent claims as detailed below to facilitate the allowance of the present application. Applicants make these amendments without any waiver of any rights in relation to pursuing the broader subject matter contained in the rejected claims by filing, for example, one or more continuing applications.

Independent claim 1

Independent claim 1 has been amended to incorporate the subject matter of allowable claims 13 and 23, each of which depends directly from independent claim 1. Also, dependent claims 13 and 23 have therefore been canceled. Thus, for at least the reasons as noted by the Examiner in relation to dependent claims 13 and 23, the subject matter of amended independent claim 1 is allowable over the APA and the art of record.

Applicants respectfully request entry of these amendments and withdrawal of the rejection of amended independent claim 1.

Dependent claims 5-12

Dependent claims 5-12 have not been amended. However, each of these claims ultimately depends from amended independent claim 1. The allowability of dependent claims 5-12 at least follows from the allowability of amended independent claim 1; as such, non-amended dependent claims 5-12 are allowable over the APA and the art of record.

Independent claim 39

Independent claim 39 has been amended to incorporate the subject matter of allowable claims 43, which depends directly from independent claim 39. Also, dependent claims 43 has therefore been canceled. Thus, for at least the reasons as noted by the Examiner in relation to dependent claim 43, the subject matter of amended independent claim 39 is allowable over the APA and the art of record.

Applicants respectfully request entry of these amendments and withdrawal of the rejection of amended independent claim 39.

Dependent claims 40-42 and 57-61

Dependent claims 40-42 and 57-61 have not been amended. However, each of these claims ultimately depends from amended independent claim 39. The allowability of dependent claims 40-42 and 57-61 at least follows from the allowability of amended independent claim 39; as such, non-amended dependent claims 40-42 and 57-61 are allowable over the APA and the art of record.

Independent claim 72

Independent claim 72 has been amended to incorporate the subject matter of allowable claims 13 and 23, in a similar manner and for similar patentability reasons as amended independent claim 1 has been amended. Thus, for at least the reasons as noted by the Examiner in relation to dependent claims 13 and 23, the subject matter of amended independent claim 72 is allowable over the APA and the art of record.

Applicants respectfully request entry of these amendments and withdrawal of the rejection of amended independent claim 72.

Independent claim 73

Independent claim 73 has been amended to incorporate the subject matter of allowable claims 13 and 23, in a similar manner and for similar patentability reasons as amended independent claims 1 and 72 have been amended. Thus, for at least the reasons as noted by the Examiner in relation to dependent claims 13 and 23, the subject matter of amended independent claim 72 is allowable over the APA and the art of record.

Applicants respectfully request entry of these amendments and withdrawal of the rejection of amended independent claim 72.

Dependent claim 76

Dependent claim 76 has not been amended. However, claim 76 ultimately depends from amended independent claim 73. The allowability of dependent claim 76 at least follows from the allowability of amended independent claim 73; as such, non-amended dependent claim 76 is allowable over the APA and the art of record.

Dependent claim 82

Dependent claim 82 has not been amended because it ultimately depends from non-amended independent claim 80, which the Examiner has allowed. The allowability of dependent claim 82 thus follows from the allowability of allowed and non-amended independent claim 82; as such, non-amended dependent claim 82 is allowable over the APA and the art of record.

Independent claim 84

Independent claim 84 has been amended to incorporate the subject matter of allowable claim 85, which depends directly from independent claim 84. Also, dependent claim 85 has therefore been deleted. Thus, for at least the reasons as noted by the Examiner in relation to dependent claim 85, the subject matter of amended independent claim 84 is allowable over the APA and the art of record.

Applicants respectfully request entry of these amendments and withdrawal of the rejection of amended independent claim 84.

Dependent claims 86-89

Dependent claims 86-89 have not been amended. However, each of these claims ultimately depends from amended independent claim 84. The allowability of dependent claims 86-89 at least follows from the allowability of amended independent claim 84; as such, non-amended dependent claims 86-89 are allowable over the APA and the art of record.


Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge fees that may be required relative to this application, or credit any overpayment, to our Deposit Account No. 50-2213, Order No. 073169-0269527.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: 3 JUNE 2005


Ross L. Franks 47,233
(650) 233-4094 Reg. No.
Please reply to customer no. 27,498

Drawing Replacement Sheets